

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

SEP 04 2018

CARLETON B. SYPH II,

Plaintiff

v.

JUDGE EDWARD A. ARCE,
JUDGE JOHN THOMAS CARR,

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

) Case No: 1:18-cv-04821
) Judge Mathew F. Kennelly
) Magistrate Judge M. David Weisman
)

Defendants

PLAINTIFF MOTION FOR DEFAULT JUDGMENT ON COUNT I & COUNT III

NOW COMES the Plaintiff, Carleton B. Syph II in support of his Motion for Default Judgment pursuant **Fed.R.Civ.P. 55**, states as follows:

1. Plaintiff initiated these proceedings on 7/13/2018 seeking:

Declaratory Judgment and Injunctive relief
2. Defendants were duly served with a copy of the Complaint and Summons on 8/3/2018 at 11:55 am as set forth in the attached Affidavits of Service.
3. More than twenty (20) days have elapsed since Defendants were served, and they have failed to answer, plead, or otherwise defend the allegations in Plaintiff's Complaint.
4. Defendant's failure to deny/or defend themselves against the allegations in the Plaintiff's complaint, results in those allegations being admitted. Plaintiff therefore moves the Court for the entry of Default Judgment.

WHEREFORE, the Plaintiff respectfully requests that this Court enter an Order of Default Declaratory Judgment and Injunctive relief, the wording of which should be as or align with the following:

2018 SEP -4 AM 10:50

- I. **Cook County Cir. Ct. R. 13.3.1** and **Cook County Cir. Ct. R. 13.3.2** are, safeguards to ensure fair hearings in Cook County Domestic Relation Proceedings.
- II. **Judge Edward A. Arce's** failure to observe those safeguards amounted to a denial of due process.
- III. **Judge John Thomas Carr's** decision denying the **735 ILCS 5/2-1001(a)(3)** Petition to Disqualify Judge Edward A. Arce; which consequently re-assigned the case back to **Judge Edward A. Arce** for future deliberation, created a likelihood of bias in future deliberation by **Judge Edward A. Arce**; which is too high to be constitutionally tolerable.¹ ²
- IV. **Judge Edward A. Arce** and **Judge John Thomas Carr** are permanently enjoined from further ruling on or enforcing any orders entered by **Judge Edward A. Arce**.
- V. Cook County Circuit Court Domestic Relations Justices are preliminary enjoined from further ruling on or enforcing any orders entered for case 12D009167, until further notice to be provided by this court.

¹ "A fair trial in a fair tribunal is a basic requirement of due process. Fairness of course requires an absence of actual bias in the trial of cases. But our system of law has always endeavored to prevent even the probability of unfairness." *In re Murchison*, 349 U.S. 133, 136 (1955).

² But to perform its high function in the best way "justice must satisfy the appearance of justice." *Offutt v. United States*, 348 U. S. 11, 14.

Name Under the penalties as provided by law pursuant to Section 5/1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she/he verily believes the same to be true.

Respectfully submitted by,
CARLETON B. SYPH II



Pro se Plaintiff

Date: 9/2/2018

Carleton B. Syph II
848 Dodge Ave #426
Evanston, IL 60202
Telephone 224-725-0765
Email: greenerlaundry@gmail.com

UNITED STATES DISTRICT COURT
For the
NORTHERN DISTRICT OF ILLINOIS

Carleton B. Syph II

v.

Case #: 1:18-cv-04821

Judge John Thomas Carr

Proof of Service Affidavit

Martin Mroz, being first duly sworn on oath deposes and says he is over 18 years of age, not a party to the above suit and is a registered employee of the Illinois Department of Professional Regulation Private Detective Agency #117-000206, Myers Service Inc., d/b/a MSI Detective Services.

That he served a copy of the Summons in a Civil Action, Complaint for Declaratory and Injectvie Relief, and all accompanying documents, on Judge John Thomas Carr, Daley Center, located at, 50 W. Washington St., Room 2600, Chicago, IL 60602, on Friday, August 03, 2018, at 11:55 a.m., by serving the documents on Casandra McKinney, Administrative Assistant, who stated that she is authorized to accept the documents for Judge John Thomas Carr. That the server informed Casandra McKinney of the contents of the documents by stating, "This is a Summons and Complaint," and that Casandra McKinney confirmed that she understood and accepted the documents in hand.

Cassandra McKinney is described as an African American female, approximately 40 years of age, 5'5" in height, medium build, with black hair, and wearing glasses.



SPECIAL PROCESS SERVER (signature)

Under penalties of perjury as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as such matters the undersigned certifies as aforesaid that he/she verily believes the same to be true.



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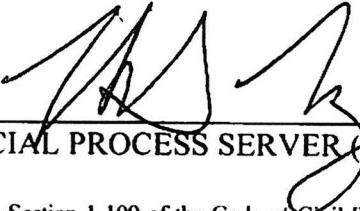
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